IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 27569 of 2007(F)

OP (ELE.)16/2005 of MUNSIFF COURT, THALASSERY
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PETITIONER:

N.K.SAJEEVAN,
S/O.KUMARAN, AGED 33 YEARS,
NADUKUNIYIL HOUSE,P.O. PERINGADI,
TELLICHERRY TALUK, KANNUR.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENT:

VEROOL RAMESHAN,
S/O. THE LATE UNNI,AGED 40 YEARS,
VEROOL HOUSE, CHOKLI AMSOM,
PERINGADI PO, TELLICHERRY TALUK,
KANNUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 27569 OF 2007

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Dated this the 17th day of September, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside the order of the learned Munsiff, Thalasserry in refusing to summon the Way bill, Journey and Voucher record from the District Transport Officer, Kannur. The writ petitioner wanted those documents to be summoned for the purpose of showing that he was not employed during the relevant period as conductor. The Court below found that there are documents produced in the case to prove regarding the employment of the person and that the petitioner had not moved any application for getting the document under Rule 120 of the Civil Rules of Practice. The writ petitioner's election is challenged on the ground that he is disqualified to contest the election for the reason that he was working as a empannelled conductor in the K.S.R.T.C. during the relevant period. The success or failure depends upon the proof of that fact and the burden squarely lies upon the petitioner

who had challenged the election. At any stage, if the Court finds or if the present writ petitioner is able to convince the conscience of the Court that these documents are also necessary for proper appreciation of the matter I give permission to the writ petitioner to get those documents at that stage but unless there are convincing and clinching documents either for or against, it may not be necessary and it is for that Court to decide it at proper stage.

With this observation this writ petition is disposed of.

M.N. KRISHNAN, JUDGE.

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